

Message Text

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ACTION IO-14

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INFO AMEMBASSY LUSAKA

C O N F I D E N T I A L USUN NEW YORK 02496

E.O. 11652:GDS

TAGS: EGEN, UN

SUBJECT: CORRUPT PRACTICES MEETING JUNE 26-30

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1. MISOFF HAD A LONG CONVERSATION WITH ZAMBIAN DELEGATE ZIMBA CHABALA TO CORRUPT PRACTICES MEETINGS ABOUT SECTION III.5, MEASURES AGAINST THE PAYMENTS OF ROYALTIES AND TAXES TO ILLEGAL MINORITY REGIMES IN SOUTHERN AFRICA IN CONTRAVENTION OF UNITED NATIONS RESOLUTIONS. HE REITERATED THAT THE SECTION IS INTENDED TO DEAL SPECIFICALLY WITH THE PROBLEM OF NAMIBIA.

2. THE AFRICAN GROUP WILL EXPECT A DISCUSSION OF THE FORMULATIONS AND ANTICIPATES ALTERNATIVE WORDING TO BE PROPOSED. MISOFF INFORMED CHABALA THAT THE US WAS QUITE PREPARED TO PARTICIPATE IN A DETAILED DISCUSSION OF THIS KIND. HOWEVER, IT WAS OBVIOUS FROM OUR OWN DISCUSSIONS WITH THE EUROPEANS THAT THEY WERE VERY UNCOMFORTABLE WITH THE INCLUSION OF THE SECTION AS A WHOLE AND THAT III.5 MIGHT PROVE THE STUMBLING BLOCK TO CONVENING A PLENIPOTENTIARY CONFERENCE. CHABALA RESPONDED THAT THE EUROPEANS WOULD LIKE NOTHING MORE THAN
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TO HANG THEIR OBJECTIONS TO A CONFERENCE (AND TO MANY OF THE PROVISIONS IN THE AGREEMENT) ON THE SOUTH AFRICA PEG. THE SOLUTION TO THE PROBLEM WAS TO DISCUSS PAYMENTS OF ROYALTIES AND TAXES SECTION IN JUNE, AND TO BRACKET SPECIFIC PROVISIONS OF THE SECTION AS WELL AS ADDING ALTERNATIVE FORMULATIONS. AFTER THIS, DISCUSSION SHOULD MOVE ON.

3. WHEN ASKED WHETHER, PROVIDING THAT A FULL DISCUSSION OF III.5 HAD TAKEN PLACE, ZAMBIA AND THE AFRICAN GROUP WOULD BE PREPARED TO SUPPORT A CALL AT ECOSOC FOR A PLENIPOTENTIARY CONFERENCE, CHABALA WAS NON-COMMITAL. THAT WOULD DEPEND, HE SAID, ON HOW MUCH THE GROUP ACCOMPLISHED AT THE JUNE MEETING. HOWEVER, UNLIKE THE EUROPEANS, THE AFRICAN GROUP AND THE G-77 AS A WHOLE HAD NO DESIRE TO AVOID A PLENIPOTENTIARY CONFERENCE. NOR WOULD THE AFRICANS BLOCK AN AGREEMENT ON THE BASIS OF III.5. IT IS IMPORTANT FOR THE US TO REALIZE THAT OUR SUPPORT LIES MUCH MORE WITH THE G-77 THAN WITH THE DEVELOPED COUNTRIES AND THAT THE EUROPEANS WILL ONLY RELUCTANTLY AGREE TO PARTICIPATING IN A CONFERENCE AT ANY TIME.

4. AN URGENT POINT THAT HE DISCUSSED WAS THAT THE US AND DEVELOPED COUNTRIES SHOULD NOT CONTINUE TO QUESTION THE APPROPRIATENESS OF THE FORUM. THIS ARGUMENT IS VIEWED BY THE AFRICANS NOT AS A LEGITIMATE QUESTION ON THE NATURE AND SCOPE OF THE WORK OF THE GROUP, BUT RATHER AS A STALLING TACTIC. EXTENSION OF HOME COUNTRY JURISDICTION OVER ACTIVITIES OF SUBSIDIARIES IS THE ISSUE THAT IS OF MAJOR IMPORTANCE TO THE DEVELOPING WORLD. THIS ISSUE ALSO PROVIDES THE LINK AND, IF YOU WILL, THE APPROPRIATENESS FOR DISCUSSION OF III.5 IN THE CORRUPT

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PRACTICES GROUP.

5. COMMENT: CHABALA WAS MOST COOPERATIVE AND HELPFUL. HE CLEARLY EXPECTS NO MAJOR CHANGE IN USG AFRICAN POLICY TO OCCUR IN THIS FORUM, BUT INSTEAD IS LOOKING FOR SERIOUS DISCUSSION AND A POSITIVE ATTITUDE ON OUR PART. HE SAID EXPLICITLY THAT IT WAS NOT NECESSARY FOR III.5 TO BECOME A POINT OF CONFLICT. AN IMPORTANT IDEA THAT HE STRESSED WAS HIS PERCEPTION THAT THE G-77 WERE OUR ALLIES ON THIS ISSUE AND THAT IT WAS IMPORTANT FOR US TO RECOGNIZE AND APPRECIATE THIS. USG AND G-77 INTERESTS COINCIDED IN THIS FORUM. RATHER, OUR PROBLEM ON LEGAL QUESTIONS AND ULTIMATELY ON CONVENING OF A PLENIPOTENTIARY CONFERENCE WOULD BE WITH THE EUROPEANS WHO HAVE SERIOUS OBJECTIONS TO MANY LEGAL PROVISIONS OF THE AGREEMENT.

LEONARD

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